

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P1006/2022
PERMIT APPLICATION NO.TPA/53660

APPLICANT	DAJL 2 Pty Ltd
RESPONSIBLE AUTHORITY	Monash City Council
RESPONDENT	Catherine Papageorgiou
SUBJECT LAND	28 Murdo Road CLAYTON VIC 3168
HEARING TYPE	Hearing
DATE OF HEARING	8 November 2022
DATE OF ORDER	10 November 2022
CITATION	DAJL 2 Pty Ltd v Monash CC [2022] VCAT 1290

ORDER

Permit granted

- 1 In application P1006/2022 the decision of the responsible authority is set aside.
- 2 In planning permit application TPA/53660 a permit is granted and directed to be issued for the land at 28 Murdo Road Clayton VIC 3168 in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Construction of three (3) double storey dwellings on a lot in the General Residential Zone Schedule 6.

Peter Gaschk
Member



APPEARANCES

For DAJL 2 Pty Ltd: Tim Radisich, Town Planner with Associated
Town Planning Consultants Pty Ltd

For Monash City Council: Adrienne Kellock, Town Planner with Kellock
Town Planning Pty Ltd

For Catherine Papageorgiou: No appearance



INFORMATION

Description of proposal	<p>The proposal involves the construction of three double storey dwellings on a lot at 28 Murdo Road, Clayton (review site).</p> <p>Dwelling 1 is proposed at the front of the site and set back a minimum of 5.0m from the front boundary. Dwellings 2 and 3 are proposed at the rear of the land, in an attached side-by-side configuration, with rear setbacks ranging between 5.4m and 5.9m.</p> <p>Vehicle access to the review site is proposed by two crossovers (one existing – one new), which are located at either end of the frontage. The new northern crossover provides access to a single garage abutting Dwelling 1 and a tandem car space in front. The reconstructed southern crossover connects to a shared driveway that provides access to Dwellings 2 and 3.</p> <p>Each dwelling is provided with an area of secluded open space (SPOS) with access at ground level.</p>
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Monash Planning Scheme (the Scheme)
Zone and overlays	General Residential Zone, Schedule 6 (GRZ6) No overlays apply.
Permit requirements	Clause 32.08-6: Construct two or more dwellings on a lot.
Key scheme policies and provisions	Clauses 11, 11.01-1S, 11.01-R, 11.02, 15, 15.01, 16, 16.01, 19.03, 21.04, 21.08, 22.01, 22.04, 22.13, 32.08, 52.06, 55, 65.01 and 71.02.

Land description

The review site is rectangular in shape, with a width of 16.7m, depth of 42.6m and approximate area of 715sqm. The land is relatively flat, with a fall of approximately 500mm from the rear north east corner to the front south west corner.

The site contains a single storey brick dwelling that is set back approximately 7.6m from the site frontage. The front and rear yard of the site contains scattered vegetation, none of which has any individual significance.

To the north at 26 Murdo Road are two single storey dwellings in a detached, tandem arrangement. To the south at 30 Murdo Road are two detached dwellings in tandem arrangement. The front dwelling is single storey while the rear is double storey.

To the east (rear) at 27 Cambro Road are two dwellings in tandem arrangement. The rear dwelling is in single storey form. Immediately opposite the site (west) at 27 Murdo Road is a single storey detached dwelling.

The site is located 950m south east to the Monash National Employment Cluster (MNEC). This Precinct is of State significance and includes the Monash University campus and Synchrotron. The M-City Shopping Centre is located 300m to the south.

The area is in the Principal Public Transport Network, with four key bus routes along Wellington Road, some 290m north. The area is undergoing change. Existing single storey detached housing is being converted to more contemporary double storey detached form, including dual occupancies and larger medium density development.

Tribunal inspection

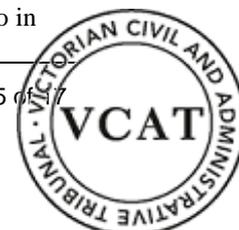
Not undertaken.

REASONS¹

WHAT IS THIS PROCEEDING ABOUT?

- 1 This application for review by DAJL 2 Pty Ltd (**applicant**) is under s.77 of the *Planning and Environment Act 1987* (**Planning Act**) against Monash City Council's (**council**) refusal to grant a planning permit (Application No. TPA/53660) to construct three double storey dwellings on a lot at 28 Murdo Road, Clayton (**review site**).
- 2 Council refused the proposal on 21 July 2022 on the following grounds:
 - 1. The proposal is inconsistent with the preferred character statement contained at Clause 22.01 of the Monash Planning Scheme, as well as the neighbourhood character objectives contained at Schedule 6 of the General Residential Zone at Clause 32.08.
 - 2. The proposal does not adequately satisfy the objectives and/or design standards of Clause 55 of the Monash Planning Scheme with respect to neighbourhood character, vehicle access, landscaping provisions, energy efficiency and design detail.
 - 3. The proposal does not meet the objectives of Clause 52.06 Car Parking of the Monash Planning Scheme in relation to vehicle access.
 - 4. The proposal will result in a poor level of internal amenity for future residents.
- 3 Council acknowledges objectives in the GRZ6 and accompanying clause 22.01 of the Scheme encourages increased housing growth and diversity on the review site, being located within the Monash National Employment Cluster (MNEC) and Clayton Activity Centre (CAC) – Housing Diversity Area. Council also agrees the site is well located to public transport and the M-City Shopping Centre that contains major retailers, cinema complex, residential towers, offices and hotel.
- 4 However, it says the proposed design of the proposal fails to provide an acceptable design response to the site and preferred character statement at clause 22.01 and objectives under the GRZ6.
- 5 The respondent supports the council's refusal and submits the area has existing parking problems that will be exacerbated by this proposal. The respondent is concerned the character of the area is changing from home owners to renters and says residential growth should be redirected elsewhere in Clayton. The respondent did not attend the hearing. However, I have considered the Statement of Grounds lodged by the respondent.

¹ The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.



- 6 The applicant does not agree with council and the respondent. It submits the review site is within the MNEC and CAC - Housing Diversity Area, as designated within Category 3 Character Area. It says various Tribunals have recognised and placed weight on strategic directions for housing and growth within this particular character area.²

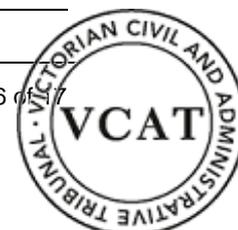
WHAT ARE THE KEY ISSUES?

- 7 Having considered the submissions of the parties and associated documents and photographs of the review site, I consider the key issues to be addressed are:
- Will the proposal respect neighbourhood character?
 - Is the design response acceptable?
- 8 In summary, I find the proposal provides an appropriate response to the preferred neighbourhood character sought under the GRZ6 and clause 22.01 of the Scheme.
- 9 Subject to a design change that will relocate the proposed pedestrian pathway of Dwelling 1 to improve accessibility from the driveway/garage, I also find the design provides an acceptable response to landscaping and amenity considerations sought under clause 55 of the Scheme.
- 10 I provided an oral decision with my reasons and findings following completion of submissions from the parties. A summary of my key findings and reasons for this decision is provided below under Key Issue headings.
- 11 In my findings I give weight to the policy setting and importance of the review site located within the MNEC and CAC - Housing Diversity Area. I also give weight to the Consent Order issued by the Tribunal, VCAT Reference P367/2021 (*Luo Family Holdings Pty Ltd v Monash CC* (unreported)) dated 4 August 2021. This Consent Order approved a similar three dwelling development to that being proposed on the review site, in nearby 32 Cambro Road Clayton, that is also included in the same GRZ6.

PLANNING POLICY FRAMEWORK

- 12 I have detailed key policy settings above and have considered these, as and where relevant, to this matter. I highlight some of these below.
- 13 The review site is in the GRZ6 where relevant purposes include:
- To encourage development that respects the neighbourhood character of the area.
 - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

² See for example *Radium Development Pty Ltd v Monash CC* [2022] VCAT 972.



- 14 I note the proposal meets the specific Minimum Garden Area requirement (35.1%) sought under the GRZ6. A maximum building height of 7.7m is proposed to the street frontage. This is below the expressed maximum building height in the GRZ6 (i.e. Height not exceeding 11.5m (as varied) and no more than three storeys at any point on the site).
- 15 I find these are positive design responses of the proposal. I also note site coverage of 44.1% and permeability outcome of 36.7% satisfy the GRZ6 schedule requirements.
- 16 Schedule 6 of the GRZ also contains the following Neighbourhood Character Statement with objectives that are relevant in this matter:
- To facilitate housing diversity in the form of units, townhouses and apartment developments of high quality design and finish.
 - To provide an interface between the Clayton Activity Centre, the Monash Employment and Innovation Cluster, the housing growth area and the lower scale surrounding garden city suburban areas.
 - To encourage development that respects sensitive residential interfaces and minimises building mass and visual bulk in the streetscape through landscaping in the front setback and breaks and recesses in the built form.
 - To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas.
 - To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.
- 17 The GRZ6 schedule also varies the following Standards of clause 55 of the Scheme:

Standard B6 - Minimum Street Setback

Walls of buildings should be setback at least 4 metres from the front street.

Standard B13 Landscaping

New development should retain or provide:

- At least one canopy tree, plus one canopy tree per 5 metres of site width
- A mixture of vegetation including indigenous species
- Vegetation in the front, side and rear setbacks; and
- Vegetation on both sides of accessways.

A canopy tree should reach a mature height at least equal to the maximum building height of the new development.

Standard B17 Side and rear setbacks

A new wall not on or within 200mm of a rear boundary should be set back at least 4 metres.

Standard B28 - Private Open Space

A dwelling should have private open space consisting of:

- An area of 50m², with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling with a minimum area of 35m², a minimum width of 5 metres and convenient access from a living room and clear of all structures and services.

Standard B32 – Front fence height

0.9 metres.

- 18 I am satisfied the proposal has appropriately addressed the clause 55 variations. The development has sought to minimise walls on boundary (only garages to Dwellings 1 and 3 are on side boundaries). Secluded private open space (SPOS) to each dwelling satisfies the variation sought under the relevant standard with direct ground level access from each dwelling. Provision has also been made for canopy tree planting in each SPOS area. No front fencing is proposed.
- 19 State policy at clause 11.01-1R also recognises the importance of National Employment and Innovation Clusters that applies to the review site and surrounds. Local policy at clause 21.04 also identifies the review site is located within Category 3: Residential Land in the MNEC.
- 20 I agree this is a character area that is identified for future development potential and more intense levels of redevelopment can be expected. This is reinforced by the following objectives under clause 22.01:
- To locate residential growth within neighbourhood and activity centres, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway) to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance garden city character and special character in the balance of the municipality.
 - To encourage the provision of a variety of housing types and sizes that will accommodate a diversity of future housing needs and preferences that complement and enhance the garden city character of the city.
 - To encourage a high standard of architectural design in buildings and landscaping associated with residential development that takes into account environmentally sustainable development.

(Tribunal emphasis added)



- 21 The preferred future character statement for the MNEC and CAC – Housing Diversity Area is also relevant and set out in clause 22.01. I have highlighted parts of the Statement that are relevant to this matter:

The Clayton Activity Centre and the cluster more broadly are expected to experience major redevelopment, as one of the key areas for employment growth within Melbourne. As such, the core of the activity centre and the cluster are anticipated to accommodate growth and more diverse housing needs. This area also forms an interface to the surrounding garden city suburbs. New development should provide a transition between these areas.

New housing will generally comprise multi dwelling developments such as units and, where appropriate, low rise apartments. Front and rear setbacks will be less than those preferred in the garden city areas, however, will still provide the opportunity for landscaping. Landscaping and open space within developments will remain an important feature for this character area. Canopy trees within developments and separation between buildings will provide visual and environmental amenity for occupants and the residents of existing dwellings. New developments will be designed and constructed to a high standard, ensuring they provide a positive architectural impact.

(Tribunal emphasis added)

KEY ISSUES

Will the proposal respect neighbourhood character?

- 22 Council submits the amount of landscaping and space available provided by the proposal on the review site is compromised by the two crossovers, two driveways, front porch and pedestrian path located to Dwelling 1.
- 23 Council also submits the upper floor of Dwelling 1 will present as overly dominant built form to the street, particularly given what it says is the compromised front landscape area. Council says this outcome is not consistent with clauses 1.0 and 7.0 of Schedule 6 to the GRZ.

My Findings

- 24 I find the GRZ6 zone purposes and policy at 22.01 encourages a more intense built form on the review site. This is largely reflective of the policy setting associated with the MNEC and CAC Housing Diversity Area that applies to the review site.
- 25 I accept this is not unfettered and the preferred character statement for this Category 3 Character Area, includes objectives that seek to respect sensitive residential interfaces, minimise building mass, avoid excessive hardstand paving area and provide for an open garden setting with canopy tree planting.



- 26 Nevertheless, I find the proposed development has satisfactorily achieved and addressed these matters. Noting:
- Building mass is effectively centralised on the site.
 - Upper levels include an acceptable level of built form articulation that includes use of different building material to differentiate between levels.
 - Pitched roof form is used for each dwelling that is generally reflective of existing roof forms in the area.
 - Front, side and rear setbacks provide good opportunity to introduce meaningful landscaping the SPOS areas, including canopy tree planting.
- 27 It is significant in my findings the proposed 5.0m front setback of the proposal on the review site exceeds the required 4.0m varied front setback sought under the GRZ6. This is a specific varied provision that in my view seeks to complement increased housing density and diversity sought under the MNEC and CAC – Housing Diversity Area. As a consequence of the greater front setback, I find the proposed development provides more area at the front of the site for meaningful landscape planting.
- 28 In this regard, I agree with the applicant the revised landscape plan it submitted and circulated prior to the hearing, provides an improved and satisfactory landscape response. The revised plan provides up to six new canopy trees on the review site. The plan demonstrates that increased canopy tree planting can be achieved across the site in direct response to the concerns raised by council.
- 29 I accept council’s concerns the species selected may require further assessment by council to ensure the species are suitable within this area. However, this is a matter that can be appropriately addressed under conditions 1 and 4 of the permit to issue. Under these conditions, the council is able to sign off on species that are appropriate to the site and locale more generally.
- 30 I observed through the use of Near Map and submitted photographs that existing properties in Murdo and Cambro Roads include dual crossovers and longer side driveways. The council acknowledged these in its submission and photographs. The applicant also provided other examples of dual crossovers that included 27 Colonel Street. This property has a smaller frontage width (15.2m) and site area (709sqm) than the review site. The three, double storey dwellings currently under construction at 32 Cambro Road, contains a similar frontage width to the review site, together with a similar site layout and includes two crossovers and side boundary driveways. Given this physical setting, I find the area is not exclusively limited to single crossover conditions.



- 31 I am satisfied the use of dual crossovers with the proposed design on the review site is appropriate. It is also significant from a policy setting, the requirement to contain new developments to a single crossover and driveway within the MNEC and CAC Housing Diversity Area, is not found or expressed in numerical terms within the preferred character statement of the Category 3 Character Area.
- 32 At the hearing, council indicated its officers considered the physical setting of properties and development in Murdo Road and Cambro Road were distinct and different. This distinctness included reference to a number of side by side developments approved and developed north of the 32 Cambro Road site. The council officers considered this presented a different character setting to the review site in Murdo Road and accordingly directed its refusal of the proposed development on the review site.
- 33 I have not been persuaded by this. The GRZ6 applies to new residential development in both streets. If a similar design and density outcome was considered suitable on the Cambro Road site, it should not have been surprising the applicant would propose a similar design response on the review site. Particularly as both sites had similar site dimensions and were under the same GRZ6 and supporting policy settings, including those design and character objectives expressed under clause 22.01. The presence of some side by side residential developments in Cambro Road does not lead me to conclude the physical and character setting found in both streets is significantly different or distinct. The council's consent to the proposed development in Cambro Road is in my view telling as to the merits of the proposal before me.

IS THE DESIGN RESPONSE ACCEPTABLE?

- 34 Council submits the two crossings proposed to the site is out of keeping with the existing and preferred character of the area and results in a poor design response. It says the two crossings and driveways and pedestrian path proposed at the front of the site introduces an excessive amount of hard stand area to the street setting (Standard B14).
- 35 Council also submits the design fails to address the dominant upper level form of Dwelling 1 to the street frontage that results in excessive visual massing, combined with the additional hardstand area associated with the two crossovers and driveways (Standard B31).
- 36 Council also considers that poor energy efficiency is achieved by the proposal, largely resulting from the lack of north facing windows provided to the first floor of Dwelling 3.
- 37 Council is also concerned SPOS for Dwelling 1 is compromised by proposed services and a storage shed located in this area. While Dwelling 2 has a poor sense of address and offers poor surveillance and pedestrian safety.



My Findings

- 38 I have provided my findings on the use of two crossovers and driveways as part of the design response on the review site. I have found the use of two crossovers and driveways is an appropriate design response to the review site and is generally consistent with the existing and preferred character setting of the area.
- 39 Regarding council's concerns over the lack of north facing windows to the upper level of Dwelling 3, I am satisfied the existing windows and provision of skylights proposed to the three upper level bedrooms of this dwelling, ensures these rooms achieve the required daylight requirements sought under the relevant standard and objective under clause 55.
- 40 I am also satisfied the SPOS areas of each dwelling has an appropriate northern aspect to ensure these areas achieve a satisfactory level of daylight as sought under the relevant standard. I find the provision of some services and storage sheds in these SPOS areas is acceptable, noting sufficient active space is still available in the remaining areas for the enjoyment and use of future occupants of each dwelling.
- 41 Overall, I am satisfied the proposal achieves a high degree of compliance with the relevant Objectives and Standards of Clause 55 and will not result in any significant amenity impacts to neighbouring dwellings.

WHAT CONDITIONS ARE APPROPRIATE?

- 42 Submissions were made by the parties on the council's draft set of permit conditions. I have considered these submissions, as well as my reasons above, in formulating the conditions for the permit to issue.
- 43 I have added an additional condition 1 requirement to help improve the accessibility of the pedestrian path proposed within the front setback to Dwelling 1. The condition will require the path to be relocated to enable it to be accessed from the vehicle accessway that directly services Dwelling 1.
- 44 During the hearing I received submissions regarding the visibility of the entrance porch to Dwelling 2 from the street. The applicant helpfully provided a sightline drawing that specially addressed this matter. Having considered this additional information, I am satisfied the view lines achieved from the vehicle accessway to the porch entrances of both Dwellings 2 and 3 are satisfactory and enable the appropriate level of surveillance and safety sought under clause 55.
- 45 I have also modified the requirement at condition 3 for the applicant to provide a Sustainable Development Assessment Report and Plan to the satisfaction of council. The applicant expressed concerns that it was not clear on what additional requirements the council was seeking through this condition.

- 46 Unfortunately, council was unable to provide specific details that it sought from this condition. Nevertheless, many councils (including Monash CC) now seek to ensure new residential development achieves a satisfactory sustainable development rating and provide opportunities for energy efficiency outcomes on the site. I consider it is reasonable for the applicant to address this by way of condition to the satisfaction of council. I would also expect the council will be able to provide further guidance to the applicant as to the Sustainable Development Assessment Report and Plan's content.
- 47 I have also made some minor edits and formatting that do not change the intent or content of the drafted conditions circulated by council.

CONCLUSION

- 48 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions contained in the attached Appendix A of this decision.

Peter Gaschk
Member



APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	TPA/53660
LAND	28 Murdo Road CLAYTON VIC 3168

WHAT THE PERMIT ALLOWS

Construction of three (3) double storey dwellings on a lot in the General Residential Zone Schedule 6 in accordance with the endorsed plans and the conditions below.

CONDITIONS

Amended Plans

- 1 Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Bello Design Group dated 27 May 2022, but modified to show:
 - (a) A Landscape Plan in accordance with Condition 4 of this Permit.
 - (b) A Sustainable Development Assessment Report and Plan in accordance with Condition 3 of this permit.
 - (c) The pedestrian path to Dwelling 1 relocated to access the front porch of that dwelling from the vehicle accessway directly pertaining to Dwelling 1.

Layout not to be Altered

- 2 The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

Environmentally Sustainable Design (ESD)

- 3 A Sustainable Development Assessment Report and Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Sustainable Development Assessment Report and Plan will be endorsed and will form part of this permit.

The approved development must incorporate the sustainable design initiatives outlined in the Sustainable Development Assessment Report and Plan to the satisfaction of the responsible authority.



Landscape Plan

- 4 Concurrent with the endorsement of the development plans, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the responsible authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:
- (a) The location of all existing trees and other vegetation to be retained on site.
 - (b) Provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development.
 - (c) Planting to soften the appearance of hard surface areas such as driveways and other paved areas.
 - (d) A schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.
 - (e) The location and details of all fencing.
 - (f) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - (g) An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the responsible authority.
 - (h) The location of external lighting (if any).
 - (i) Details of all proposed hard surface materials including pathways, patio or decked areas.

When approved the plan will be endorsed and will then form part of the permit.

Tree Protection

- 5 Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the responsible authority.
- 6 No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the

development hereby permitted without the prior written consent of the responsible authority.

Landscaping Prior to Occupation

- 7 Before the occupation of any of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority and thereafter maintained to the satisfaction of the responsible authority.

Drainage

- 8 The site must be drained to the satisfaction of the responsible authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.
- 9 Stormwater is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to any stormwater drainage works commencing.
- 10 No polluted and/or sediment laden stormwater runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the responsible authority.
- 11 A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au.

Vehicle Crossovers

- 12 Any disused or redundant vehicle crossovers must be removed, and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the responsible authority.
- 13 Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the responsible authority.
- 14 All vehicle crossings within 2.4 metres of an adjoining crossing shall be converted to a double crossing in accordance with Council standards.
- 15 All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- 16 The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2 metres)



extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.

Urban Design

- 17 Any walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the responsible authority.

Satisfactory Continuation and Completion

- 18 Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

Permit Expiry

- 19 This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
- The development has not started before 2 years from the date of issue.
 - The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- Within six (6) months afterwards if the development has not commenced; or
- Within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

– End of conditions –